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CR 11-03231-001-TUC-CKJ(BPV)

## MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION UPON A PLEA OF GUILTY

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1 (A) I FIND as follows:

- 2 (1) that Defendant is competent to plead;
- 3 (2) that Defendant understands his/her right to trial;
- 4 (3) that Defendant understands what the minimum mandatory and
- 5 maximum possible sentence is, including the effect of the supervised release term, and
- 6 defendant understands that the sentencing guidelines apply and that the court may depart
- 7 from those guidelines under some circumstances;
- 8 (4) that the plea of guilty by the Defendant has been knowingly and
- 9 voluntarily made and is not the result of force or threats or of promises apart from the
- 10 agreement between the parties;
- 11 (5) that Defendant understands the nature of the charge against him/her;
- 12 (6) that Defendant understands that his/her answers may later be used
- 13 against him/her in a prosecution for perjury or false statement; and
- 14 (7) that there is a factual basis for the Defendant's plea;
- 15 (8) that Defendant has been advised of the consequences of having a prior
- 16 felony conviction; and, does admit to having a prior felony conviction;
- 17 (9) that the defendant knowingly, intelligently and voluntarily waived
- 18 his/her right to appeal or collaterally attack his/her conviction and any sentence imposed if
- 19 it is within the range permitted by the plea agreement;

20 and further,

21 (B) I RECOMMEND that the District Court accept the Defendant's plea of guilty to

22 one-count Indictment which charges Title 8, United States Code, Section 1326(b)(1); Re-

23 Entry After Deportation.

24 (C) The parties have fourteen (14) days from the date of service of this Report and

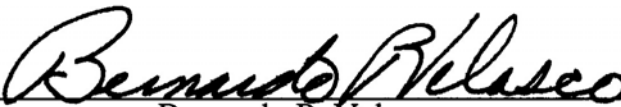
25 Recommendation to file written objections with the District Court.

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DATED this 26<sup>th</sup> day of October, 2011.

  
Bernardo P. Velasco  
United States Magistrate Judge